

REMARKS

Claims 1-9 are pending in this application, with Claims 1 and 3 being independent claims.

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamamoto et al. (U.S. Pat. App. Pub. No.2001/0040173).

Claims 1-3, 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou (U.S. Pat. No.6,012,462) in view of Yamamoto et al. and further in view of Sigmund et al. (U.S. Pat. No.4,592,376).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou in view of Yamamoto et al., Sigmund et al., and further in view of Cheung (U.S. Pat. No.5,755,241).

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou in view of Yamamoto et al., Sigmund et al., and further in view of Rudick (U.S. Pat. No.4,826,046).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou in view of Yamamoto et al., Sigmund et al., and further in view of Turner (U.S. Pat. No.4,792,250).

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmittou in view of Yamamoto et al., Sigmund et al., and further in view of Kornides (U.S. Pat. No.5,297,882).

Claims 1 and 3 are amended. No new subject matter is presented.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the Examiner states that Yamamoto et al. anticipates each and every limitation of the claim. Amended Claim 1 teaches, in part, a dye container for storing a hair dye, the dye container comprising a dye-containing space; at least one mouth disposed outside the dye-containing space; and *a pump providing an outside negative pressure at the at least one mouth for discharging the hair dye.*

Yamamoto et al. discloses a dye container 10 for storing a hair dye, the dye container comprising a container main body 11; a mouth 24 for discharging the hair dye; a discharge valve 51; an intake valve 52; and at least one air introducing hole 27 (FIGs. 2-5, paragraphs 0022-0023). The hair dye in Yamamoto et al. is discharged from the mouth 24 by the container main body 11 being squeezed to create an internal positive pressure inside the container main body 11 to push out the hair dye, the internal positive pressure also opening the discharge valve 51 and closing the intake valve 52 (paragraphs 0022-0024). Yamamoto et al. discloses nowhere a pump providing an outside negative pressure at the mouth 24. By contrast, the pump 80 of the present application provides an outside negative pressure at the mouth 150 of the dye container 10 for discharging the hair dye (FIG. 3, Spec. page 9 lines 21-25). Yamamoto et al. fails to disclose the limitation of *a pump providing an outside negative pressure at the at least one mouth for discharging the hair dye* taught by Amended Claim 1.

Clearly, Amended Claim 1 structurally differs from Yamamoto et al.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Examiner states that Schmittou in view of Yamamoto et al. and further in view of Sigmund et al. renders the claim obvious. Amended Claim 1 teaches, in part, a dye container for storing a hair dye, the dye container comprising a dye-containing space; at least one mouth disposed outside the dye-containing space; and *a pump providing an outside negative pressure at the at least one mouth for discharging the hair dye*.

Schmittou discloses a dye container 1 for storing a hair dye, the dye container 1 comprising a dye-containing space 1, at least one mouth disposed outside the dye-containing space 1, and a pump 5 (FIG. 1, col. 2 lines 12-29). The pump 5 provides positive pressure to inside the dye container 1 (Abstract, FIG. 1, col. 2 lines 12-29, independent Claim 1). By contrast, the present application uses a pump providing a pressure that is negative, not positive, and at the mouth, but not inside the dye-containing space. Schmittou fails to disclose the limitation of *a pump providing an outside negative pressure at the at least one mouth for discharging the hair dye* taught by Amended Claim 1.

Yamamoto et al., as discussed above, also fails to disclose the limitation of *a pump providing an outside negative pressure at the at least one mouth for discharging the hair dye* taught by Amended Claim 1, and thus fails to cure the defects of Schmittou.

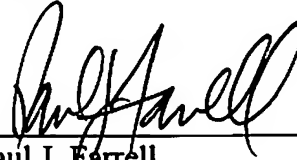
Sigmund et al. discloses a dye container 1 for storing a hair dye, the dye container 1 comprising container wall 2; and a discharge opening 3 (FIGs 1-2). Sigmund et al. discharges the hair dye from the container 2 through the mouth 13 by applying a positive pressure within the dye container 1 on to the dye by squeezing the container wall 2, i.e. applying “a slight pressure upon the wall 2” (FIG. 1, col.3 lines 40-41) or by a pressure spring 25 (FIG. 5, col. 4 lines 34-35). Sigmund et al. discloses nowhere a pump providing an outside negative pressure at the mouth 13. Sigmund et al. fails to disclose the limitation of *a pump providing an outside negative pressure at the at least one mouth for discharging the hair dye* taught by Amended Claim 1, and thus fails to cure the defects of Schmittou and Yamamoto et al.

Clearly, Amended Claim 1 structurally differs from Schittou, Yamamoto et al., Sigmund et al., or any combination thereof.

Regarding the rejection of Claim 3 under 35 U.S.C. § 103(a), the above rationale for Amended Claim 1 under 35 U.S.C. § 103(a) also similarly applies to Amended Claim 3 with respect to Schmittou, Yamamoto et al., Sigmund et al., or any combination thereof.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims herein, namely Claims 1-9, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

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